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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 UNITED STATES OF AMERICA,

CASE NO. 13cr1789-LAB

12 **ORDER ADOPTING REPORT AND**
13 **RECOMMENDATION**

13 Plaintiff,

14 vs.

14 MAKARA DAUNG,

15 Defendant.
16

17 On Monday, August 26, 2013, Attorney William Brown, submitted a CJA voucher for
18 the representation of defendant Makara Daung in this case. The voucher was referred by
19 this Court to Magistrate Judge William V. Gallo for Report and Recommendation (R&R). On
20 December 12, 2013, Judge Gallo recommended Mr. Brown's CJA voucher be denied in
21 total. For unknown reasons, Judge Gallo's R&R only recently came to this Court's attention.

22 A district court has jurisdiction to review a Magistrate Judge's report and
23 recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "The district judge must
24 determine de novo any part of the magistrate judge's disposition that has been properly
25 objected to." *Id.* "A judge of the court may accept, reject, or modify, in whole or in part, the
26 findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). This
27 section does not require some lesser review by the district court when no objections are filed.
28 *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). The "statute makes it clear that the district

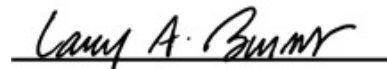
1 judge must review the magistrate judge's findings and recommendations *de novo if objection*
2 *is made*, but not otherwise." *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir.
3 2003) (en banc), (emphasis in the original).

4 The statutory provision does not require that the district court conduct some lesser
5 review when no objections are filed. *Thomas*, 474 U.S. at 149-50 ("It does not appear that
6 Congress intended to require district court review of a magistrate's factual or legal
7 conclusions under a *de novo* or any other standard when neither party objects to those
8 findings").

9 This Court having reviewed the Report and Recommendation of the Magistrate Judge
10 filed in this case, and no objections having been submitted, this Court adopts the Report and
11 Recommendation of the Magistrate Judge and denies the CJA voucher in total.

12 **IT IS SO ORDERED.**

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14 DATED: July 7, 2017

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16 **HONORABLE LARRY ALAN BURNS**
17 United States District Judge
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